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August 23, 2018

**BY ECF**

Honorable Roanne L. Mann, U.S.M.J.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re:    Rodriguez Yax et al v. Cancun and Cancun Corp. et al**  
**Case No. 18-cv-1936 (AMD) (RLM)**

Dear Judge Mann:

I am one of the counsel to Plaintiffs in the above-referenced matter. I write in response to the order dated August 16, 2018

As referenced in the order, Plaintiffs had obtained certificates of default against defendants on June 14, 2018. On July 30, 2018 we filed an amended complaint, which dropped five defendants.

The reason that we amended the complaint is that, in preparing a default judgment motion based on the original complaint, it became clear that (1) Plaintiffs had claims for successor liability against corporate defendants Blue Water Restaurant Corp. and Cancun and Cancun Corp. which were not specifically asserted in the original complaint and (2) the original complaint did not clearly allege the specific relationships among the four corporate defendants and seven individual defendants originally named. In amending the complaint Plaintiffs added specific allegations, both as to successor liability and to the relationships of the various corporate and individual defendants. We removed corporate defendants that we concluded were not operating the subject restaurant during the relevant time period, and removed individual defendants who also were not apparently

responsible for operations of the restaurant during the relevant time period. I represent to the Court that no settlement was reached with any defendants, and that Plaintiffs dropped five defendants in the amended complaint because they recognized that they did not have claims against those Defendants.

We intend to proceed based on the amended complaint. We consent to vacating all of the certificates of default, and for the dropped defendants to be dismissed without prejudice. If any defendants fail to answer or otherwise appear in response to the amended complaint, we will seek new certificates of default and move for default judgment.

We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Joshua S. Androphy  
Joshua S. Androphy